

Civil Society Charter of Demands on 'Other gender' provision in National Census 2078 (2021)

#परिभाषासच्याउCBS

Nepal Sambat (Era) 1141 Tachhala 7
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- Central Bureau of Statistics, Fibwa-kwa (Thapathali), Yén (Kathmandu).
- National Planning Commission, Singhadurbar, Pataabun, Yén (Kathmandu).
- Council of Ministers, Singhadurbar, Pataabun, Yén (Kathmandu).
- National Human Rights Commission, Durukhya (Hariharibhawan), Yala (Lalitpur).

The Central Bureau of Statistics (CBS) has mentioned gender segregation as Male, Female and Other gender in one question of the questionnaire of the National Census 2078. There are many questions in the questionnaire that collects gender segregated data, but only one question of 'People who usually live here' mentions these three gender options, and all other questions have gender binary options.

'Other gender' as a terminology to address someone's gender is discriminatory and derogatory. There are folks in Nepal who identify as *gair-dwayasankhik* (non-binary) and *tesrolingi* (third gender) beyond male and female gender identities.

Moreover, CBS has defined 'other gender' as 'Lesbian, Gay, Bisexual, Transgender and Intersex', which is a fundamentally wrong definition. Lesbian, Gay and Bisexual are not even gender identities, they are sexual orientation. Transgender men are men and transgender women are women. Being intersex is a sex characteristic, and intersex people have gender identity that is male, female or non-binary.

The National Census 2078 having both national and international importance, when adopts incorrect definition – contributes to creating incorrect data as well as leads to a path where the state and the society are misled in long term. The wrongful step of CBS will create adverse impacts in the community as well as push our movement to regression.

A simple Google could also have educated that Sexual Orientation, Gender Identity and Sex Characteristics (SOGIESC) are three different things. Mixing up what isn't even a gender, and defining it under 'gender' and defining those people who are men and women as neither will raise a big question in the data, both nationally and internationally.

That is why to correct this mistake, we put forth the following demands with CBS:

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Our demands

1. Only one question in the questionnaire of the National Census 2078 mentions a gender option beyond male and female. We demand 'non-binary and third gender' option to be included in all questions that collect gender segregated data.
2. The term 'other gender' mentioned in the question number 4.4 of the questionnaire as well as the definition of the term 'other gender' mentioned in the sub-section 3.2 of section 3 in Gender Equality and Social Inclusion Reference Book is incorrect, and therefore we demand the term 'other gender' to be replaced by 'non-binary and third gender', and the terminology be defined as 'people with a gender identity apart from male and female'.
3. We demand a separate survey for Sexual Orientation, Gender Identity and Sex Characteristics (SOGIESC) data within five years of concluding the National Census 2078, ensuring the following measures: -
 - a. As Sexual Orientation, Gender Identity and Sex Characteristics are three different things, the data collection should segregate these three headings.
 - b. Terminologies and its definitions on SOGIESC and its diversity should be enlisted. (A reference book is enlisted below)
 - c. Appropriate, inclusive, accessible, friendly and sensitive measures of data collection should be ensured.
 - d. Policy should be provisioned to ensure individual privacy, safety and protection.
 - e. Participatory approach with organizations and civil society working for SOGIESC rights should be availed.
 - f. Positive practices from other countries should be studied and adopted.

Reference Materials

1. SOGIESC terminologies and definitions, in Nepali.
https://nepalcfc.org/basic_sogiesc_nepali/
2. Charter of Demands from 2020 regarding gender identity recognition
<https://nepalcfc.org/demandsheetbook-nep/>
3. Ministry of Home Affairs directive on others gender : Violation of human rights
<https://nepalcfc.org/othergender-complaint/>
4. Sexual Orientation Gender Identity and Sex Characteristics in International Human Rights Law, Second Edition, Born Free & Equal, पाना 5 & 6.
https://www.ohchr.org/Documents/Publications/Born_Free_and_Equal_WEB.pdf
5. FAQ on Health and Sexual Diversity, World Health Organization
<https://www.who.int/gender-equity-rights/news/20160517-faq-on-health-and-sexual-diversity.pdf>
6. UN Transgender Fact Sheet
<https://www.unfe.org/wp-content/uploads/2017/05/UNFE-Transgender.pdf>

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7. UN Intersex Fact Sheet
<https://www.unfe.org/wp-content/uploads/2017/05/UNFE-Intersex.pdf>
8. UN Bisexual Fact Sheet
https://www.unfe.org/wp-content/uploads/2018/09/Bisexual_Facsheet_English.pdf
9. The Yogyakarta Principles
<https://yogyakartaprinciples.org/>
10. Gender, sex, variations of sex characteristics, and sexual identity, New Zealand Census
<https://www.stats.govt.nz/reports/gender-sex-variations-of-sex-characteristics-and-sexual-identity>
11. Guide to collecting gender, sex, and variations of sex characteristics data, New Zealand Census
<https://www.stats.govt.nz/assets/Uploads/Methods/Statistical-standard-for-gender-sex-and-variations-of-sex-characteristics/Download-data/Guide-to-collecting-gender-sex-and-variations-of-sex-characteristics-data.pdf>
12. Statistical standard for gender, sex, and variations of sex characteristics New Zealand Census
<https://www.stats.govt.nz/assets/Uploads/Methods/Statistical-standard-for-gender-sex-and-variations-of-sex-characteristics/Download-data/Statistical-standard-for-gender-sex-and-variations-of-sex-characteristics.pdf>
13. Sexual orientation (framework), Stats New Zealand
http://aria.stats.govt.nz/aria/?_ga=2.125378506.1799716139.1621066545-1426559762.1621066545#StandardView:uri=http://stats.govt.nz/cms/StatisticalStandard/aKorJMR9ZIDv31ub
14. In Depth Review of Measuring Gender Identity, United Nations Economic Commission for Europe
<https://unece.org/sites/default/files/2021-01/In-depth%20review%20of%20Measuring%20Gender%20Identity%20for%20bureau.pdf>
15. Data collection in relation to LGBTI People, European Commission
<https://ec.europa.eu/newsroom/just/redirection/document/45790>
16. Guidance for questions on sex, gender identity and sexual orientation for the 2019 Census Rehearsal for the 2021 Census, UK Census
<https://www.ons.gov.uk/census/censustransformationprogramme/questiondevelopment/genderidentity/guidanceforquestionsonsexgenderidentityandsexualorientationforthe2019censurrehearsalforthe2021census>
17. Scotland's Census 2021 Sex and Gender Identity Topic Report
<https://www.scotlandscensus.gov.uk/documents/sex-and-gender-identity-topic-report/>

Collectively declared,

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